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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,218	07/14/2006	Erik J. Marinissen	NL04 0065 US1	2749

65913 7590 12/10/2008  
NXP, B.V.  
NXP INTELLECTUAL PROPERTY DEPARTMENT  
M/S41-SJ  
1109 MCKAY DRIVE  
SAN JOSE, CA 95131

EXAMINER
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KERVEROS, JAMES C

ART UNIT	PAPER NUMBER
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2117

NOTIFICATION DATE	DELIVERY MODE
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12/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,218	<b>Applicant(s)</b> MARINISSEN ET AL.	
	<b>Examiner</b> JAMES C. KERVEROS	<b>Art Unit</b> 2117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is a FINAL OFFICE ACTION in response to the Amendment after Final, filed 11/21/2008.

The amendment after final rejection filed on 11/21/2008 has been entered.

The present US Application 10/586218, filed 07/14/2006, is a national stage entry of PCT/IB05/50153 international Filing Date: 01/13/2005.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), for the EPO Application No. 04100141.3, filed 01/19/2004, which papers have been placed of record in the file.

The drawings replacement sheets for Figs. 1-3 received on 9/4/2008 are acceptable.

Objection to the specification has been withdrawn in view of a new title suggested by the Examiner.

Objection to the Claims has been withdrawn in view of the amendment to the claims.

Claims 1-25 are presently under examination and pending.

### ***Response to Arguments***

Applicant's arguments filed on 11/21/2008, with respect to the rejection of Claims 1-25 under 35 U.S.C. 102(e) as being anticipated by Park et al. (U.S. Patent No. 7,296,200), have been fully considered and are persuasive.

The Examiner agrees that the Park reference, with U.S. filing date November 24, 2004, does not qualify as prior art under § 102(e), because Applicant claims foreign priority under 35 U.S.C. 119(a)-(d), for the EPO Application No. 04100141.3 in English, having a priority date January 19, 2004, which predates the Park reference filing date.

Therefore, the Final Office Action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made, as set forth in the present Office Action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Bhattacharya (US Patent No. 6,378,090) ISSUED: April 23, 2002.

Regarding independent Claims 1, 13, Bhattacharya discloses hierarchical test access port architecture for electronic circuits including embedded core having built-in test access port, Figs. 7 and 14, comprising:

A test access mechanism (programmable switch 740) arranged to transport test data input (TDI) and test data output (TDO) to and from the embedded cores 720 and 730 under test, respectively.

A global enable signal (DISABLE TMS) test mode select provided for placing the embedded cores 720 and 730 in a test mode.

a plurality of control circuits (AND gates 741 and 743) provided between the DISABLE TMS and each one of the associated embedded cores 720 and 730 arranged to control whether or not the DISABLE TMS is passed to one of the associated cores.

Regarding Claims 2-12, 14-25, Bhattacharya discloses a snoopy test access port 717 having a snoopy test access port controller 921, which receives the TMS signal and generates the DISABLE TMS signal, as shown in Figs. 7 and 11. The Disable TMS signal is supplied to AND gates 741 and 743 (FIG. 7) to control supply of test data input TDI to the corresponding embedded cores. This disable TMS signal is low-active when snoopy test access controller 921 has control of the test bus. Thus embedded cores do not receive the test mode select TMS signal when snoopy test access port controller 921 has control of the test bus. This Disable TMS signal is high-inactive when snoopy test access controller 921 is in a snoopy state. This permits the supply of the test mode select signal to the embedded cores.

The test mode select TMS and test data input TDI pins of integrated circuit 700 are connected directly to snoopy test access port 717 and to programmable switch 740. The test data output TDO output of snoopy test access port 717 is connected only to programmable switch 740. The embedded test access ports 727 and 737 receive their test mode select TMS and test data input TDI inputs from programmable switch 740. The embedded test access ports 727 and 737 supply their test data outputs TDO only

to programmable switch 740. The test data output TDO of integrated circuit 700 is supplied by programmable switch 740.

FIG. 8 illustrates details of programmable switch 740 having switch 803, which is essentially a crossbar switch between test mode select TMS, test data input TDI and test data outputs TDO1, TDO2 and TDO3 as inputs and test mode select TMS2 and TMS3 and test data inputs TDI2 and TDI3 as outputs.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-4150. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES C KERVEROS/  
Primary Examiner, Art Unit 2117

Date: 10 December 2008  
Office Action: Final Rejection

U.S. Patent & Trademark Office  
Alexandria, VA 22314.  
Tel: (571) 272-3824, Fax: (571) 273-3824  
Email: [james.kerveros@uspto.gov](mailto:james.kerveros@uspto.gov)

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